

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,

Plaintiff,

V.

WILLIAM MULLINS,

Defendant

Civil Action Case No. 1:18-cv-06447

Assigned Judge:

The Honorable Thomas M. Durkin

Designated Magistrate Judge:

The Honorable Sheila Finnegan

**DEFENDANT’S UNOPPOSED MOTION FOR LEAVE TO FILE  
A CORRECTED AMENDED RULE 12(b)(6) MOTION TO DISMISS**

Defendant WILLIAM MULLINS (“Defendant”) files this unopposed motion for leave to file a corrected amended Rule 12(b)(6) motion to dismiss the copyright infringement claim of Plaintiff MALIBU MEDIA, LLC (“Plaintiff”) for failure to state a claim upon which relief may be granted. In support thereof, Defendant states as follows:

**BASIS FOR MOTION**

1. Defendant filed a motion to dismiss on February 27, 2019, with this Court.
2. Administrative errors were left in the document including a lack of page numbers, out-of-order numerals in the factual background (pages 5 and 6, or PageID #:83 and PageID #:84) and an incomplete sentence (page 5/PageID #:83, item 7).
3. In addition, a Ninth Circuit case from 2018 that is directly on point was not found during Defendant's prior research. That case has been added to the legal standard on page 6 and to the

analysis of law on pages 8 and following with respect to courts demanding greater nexus between a defendant and the infringement.

4. Plaintiff's counsel and I have agreed to a briefing schedule of 21 days and 14 days on the corrected amended motion.

### **CONCLUSION**

For the foregoing reasons, Defendant respectfully requests that this Court grant leave to file a corrected amended motion to dismiss Plaintiffs' Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) attached to this motion as Exhibit 1.

Dated March 4, 2019

Respectfully submitted,

By: /s/ Susan Malter  
Susan Malter (Bar No. 6207793)  
203 Brampton Lane  
Lake Forest, Illinois 60045  
(224) 552-0452

Attorney for Defendant  
William Mullins

Certificate of Service

Susan Malter, and attorney, certifies that on March 4, 2019, she filed a copy of the foregoing motion and the attached exhibit with the ECF filing system which will cause notice to be provided to all counsel of record.

/s/Susan Malter